

# State of South Dakota

## EIGHTY-FIRST SESSION LEGISLATIVE ASSEMBLY, 2006

456M0072

### HOUSE BILL NO. 1121

Introduced by: Representatives Rounds, Cutler, Hills, Murschel, Olson (Ryan), Rhoden, Sigdestad, and Tornow and Senators Dempster, Duenwald, Duniphan, Gray, Koskan, Lintz, and Nesselhuf

1 FOR AN ACT ENTITLED, An Act to revise notification requirements for certain planning and  
2 zoning changes.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 11-2-28.1 be amended to read as follows:

5 11-2-28.1. An individual landowner may petition the board to change the zoning of all or  
6 any part of the landowner's property. The petitioning landowner shall notify all other abutting  
7 landowners by registered or certified mail of the petitioned zoning change at least seven days  
8 before the public hearing is held on the matter by the planning commission. Property is  
9 considered as abutting even though it may be separated from the property of the petitioner by  
10 a public road or highway. If the affected property abuts, adjoins, or is within one mile of a  
11 county border, the county auditor on behalf of the individual landowner shall also notify the  
12 county auditor in the adjoining county of the petitioned zoning change at least seven days before  
13 the public hearing is held on the matter by the planning commission.

14 Section 2. That § 11-2-29 be amended to read as follows:

15 11-2-29. The planning commission shall hold at least one public hearing on any proposed



1 change or modification to the plan or ordinances. Notice of the time and place of the hearing  
2 shall be given once at least ten days in advance by publication in a legal newspaper of the  
3 county. The county auditor shall also provide a copy of the notice to the county auditor in the  
4 abutting county at least ten days before the hearing on any proposed change or modification to  
5 the plan and ordinances. At the public hearing, any person may appear and request or protest the  
6 requested change.